

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

JOHN WILLIAM KIRBY KELLEY,
a/k/a "Carl,"
a/k/a "BotGod"

Defendant.

Case No. 1:20-cr-82

JOINT MOTION TO EXTEND TIME FOR INDICTMENT

COMES NOW the United States of America by its attorneys, G. Zachary Terwilliger, United States Attorney for the Eastern District of Virginia, and Carina A. Cuellar, Assistant United States Attorney, with the express consent of the defendant, and with advice of defense counsel, and respectfully moves this Court to extend the time to indict this case from June 18, 2020 until July 23, 2020. In support thereof, the parties state as follows:

1. The defendant was arrested on a federal charge on January 10, 2020. The defendant made his initial appearance in the Eastern District of Virginia on January 10, 2020. The defendant was ordered detained pending a combined preliminary and detention hearing. On January 15, 2020, the defendant appeared in court for his combined preliminary and detention hearing. After the defendant waived his preliminary hearing and did not seek release from custody, the Honorable John F. Anderson, United States Magistrate Judge for the Eastern District of Virginia, found that the criminal complaint was supported by probable cause and ordered the defendant detained pending trial.

2. The Speedy Trial Act requires that a defendant be indicted within thirty days of the defendant's arrest. *See* 18 U.S.C. § 3161(b). The Court granted multiple extensions of this time. The current extension of the time to indict is until June 18, 2020.

3. The defendant has signed a plea agreement and his plea hearing is currently scheduled for July 17, 2020. The defendant was previously scheduled to plead guilty on June 12, 2020. The rescheduled plea hearing reflects the defendant's request for a later date because he hopes to avoid a mandatory 14-day quarantine period, which the Alexandria Detention Center would have required if the defendant pleaded guilty on June 12, 2020.

4. The defendant in his motion waived and in this motion also hereby agrees to waive any objections under the Speedy Trial Act and to extend the government's time to indict this case through and including July 23, 2020. Should the plea hearing need to be rescheduled then the parties will consult and seek another extension of time to indict. This waiver is made knowingly, intentionally, and voluntarily by the defendant, and with full knowledge of the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161, *et. seq.*, and with the advice and consent of counsel.

5. The government has discussed this motion with counsel for the defendant. Counsel has represented that they has spoken with the defendant about this matter and that the defendant knowingly and voluntarily agrees to this motion.

WHEREFORE, the parties request that the time to indict this case be extended through and including July 23, 2020, and that such time be excluded in computing the time within which an indictment must be filed pursuant to Title 18, United States Code, Section 3161(h).

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

By: /s/ Carina A. Cuellar
Carina A. Cuellar
Assistant United States Attorney